

AMENDED IN SENATE AUGUST 2, 2016

AMENDED IN SENATE JUNE 14, 2016

AMENDED IN ASSEMBLY MAY 12, 2016

AMENDED IN ASSEMBLY APRIL 19, 2016

AMENDED IN ASSEMBLY APRIL 12, 2016

AMENDED IN ASSEMBLY MARCH 30, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1993

Introduced by Assembly Member Irwin

February 16, 2016

An act to add Section 1524.4 to the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1993, as amended, Irwin. ~~Corporate law~~—Law enforcement ~~contacts~~: *contact process: service providers*.

Existing law authorizes a court or magistrate to issue a warrant for the search of a place and the seizure of property or things identified in the warrant if there is probable cause to believe that specified grounds exist.

This bill would require service providers, as defined, to maintain a law enforcement contact process that meets specified criteria and, by July 1, 2017, file a statement with the Attorney General describing that process. The bill would require a service provider to file a statement

with the Attorney General describing any material change to its process as soon as practicable after making that change. The bill would require the Attorney General to consolidate the statements received pursuant to these provisions in one discrete record and regularly make that record available to law enforcement agencies. The bill would make the statements confidential and prohibit their disclosure pursuant to any state law. By increasing the duties of local law enforcement agencies to maintain confidential records, the bill would impose a state-mandated local program.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1524.4 is added to the Penal Code, to
- 2 read:
- 3 1524.4. (a) This section applies to a service provider, as
- 4 defined in subdivision (j) of Section 1546, that operates in
- 5 California. This section does not apply to a service provider that
- 6 does not offer services to the general public.

1 (b) (1) Every service provider described in subdivision (a) shall
2 maintain a law enforcement contact process that meets the criteria
3 set forth in paragraph (2).

4 (2) Every service provider described in subdivision (a) shall
5 ensure, at a minimum, that its law enforcement contact process
6 meets all of the following criteria:

7 (A) Provides a specific contact mechanism for law enforcement
8 personnel.

9 (B) Provides continual availability of the law enforcement
10 contact process.

11 (C) ~~Creates~~ *Provides* a method to provide status updates to a
12 requesting law enforcement agency on a request for ~~assistance and~~
13 ~~a direct means of communicating with the individual or group of~~
14 ~~individuals responsible for processing the request.~~ *assistance.*

15 (3) Every service provider described in subdivision (a) shall,
16 by July 1, 2017, file a statement with the Attorney General
17 describing the law enforcement contact process maintained
18 pursuant to paragraph (1). If a service provider makes a material
19 change to its law enforcement contact process, the service provider
20 shall, as soon as practicable, file a statement with the Attorney
21 General describing its new law enforcement contact process.

22 (c) The Attorney General shall consolidate the statements
23 received pursuant to this section into one discrete record and
24 regularly make that record available to local law enforcement
25 agencies.

26 (d) The exclusive remedy for a violation of this section shall be
27 an action brought by the Attorney General for injunctive relief.
28 Nothing in this section shall limit remedies available for a violation
29 of any other state or federal law.

30 (e) A statement filed or distributed pursuant to this section is
31 confidential and shall not be disclosed pursuant to any state law,
32 including, but not limited to, the California Public Records Act
33 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
34 Title 1 of the Government Code).

35 SEC. 2. The Legislature finds and declares that Section 1 of
36 this act, which adds Section 1524.4 to the Penal Code, imposes a
37 limitation on the public's right of access to the meetings of public
38 bodies or the writings of public officials and agencies within the
39 meaning of Section 3 of Article I of the California Constitution.
40 Pursuant to that constitutional provision, the Legislature makes

1 the following findings to demonstrate the interest protected by this
2 limitation and the need for protecting that interest:

3 In order to protect the internal processes of private businesses
4 from unnecessary intrusion and facilitate contact between law
5 enforcement and private businesses regarding access to information
6 that will protect public health and safety, it is necessary to limit
7 access to statements filed by service providers that describe the
8 service providers' law enforcement contact processes.

9 SEC. 3. The Legislature finds and declares that Section 1 of
10 this act, which adds Section 1524.4 to the Penal Code, furthers,
11 within the meaning of paragraph (7) of subdivision (b) of Section
12 3 of Article I of the California Constitution, the purposes of that
13 constitutional section as it relates to the right of public access to
14 the meetings of local public bodies or the writings of local public
15 officials and local agencies. Pursuant to paragraph (7) of
16 subdivision (b) of Section 3 of Article I of the California
17 Constitution, the Legislature makes the following findings:

18 By facilitating contact between law enforcement and service
19 providers regarding access to information that will protect public
20 health and safety and by appropriately limiting access to internal
21 business processes, this bill furthers the purpose of paragraph (7)
22 of subdivision (b) of Section 3 of Article I of the California
23 Constitution.

24 SEC. 4. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district under this act would result from a legislative mandate that
28 is within the scope of paragraph (7) of subdivision (b) of Section
29 3 of Article I of the California Constitution.